

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Mark Dunker,

Case No. 19-cv-0446 (WMW/KMM)

Plaintiff,

v.

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

Paul Schnell et al.,

Defendants.

This matter is before the Court on the December 4, 2019 Report and Recommendation (R&R) of United States Magistrate Judge Katherine M. Menendez. (Dkt. 28.) The R&R recommends granting Defendants' motion to dismiss Plaintiff Mark Dunker's amended complaint. Dunker filed timely objections.

Although Dunker objects to the R&R's recommendations, he makes no specific objection to any aspect of the R&R's factual findings or legal analysis. In the absence of specific objections, *de novo* review is not required. *See Montgomery v. Compass Airlines, LLC*, 98 F. Supp. 3d 1012, 1017 (D. Minn. 2015) (observing that objections to an R&R that "are not specific but merely repeat arguments presented to and considered by a magistrate judge are not entitled to *de novo* review"). Under such circumstances, a district court reviews an R&R for clear error. *Id.*

Dunker does not specifically object to the R&R's analysis of his claims. Instead, Dunker repeats certain arguments that he presented to the magistrate judge and advances other arguments that are not legally germane to the R&R's analysis of his claims.

Although Dunker recites the applicable legal standard for some of his contentions, he provides no legal or factual analysis that is responsive to the R&R. Nor does Dunker identify any fact or legal authority that the R&R omits, overlooks, or mischaracterizes. Even when liberally construed, Dunker's objections fail to address the R&R's legal analysis. Consequently, the Court overrules Dunker's objections and reviews the R&R for clear error. *See Montgomery*, 98 F. Supp. 3d at 1017.

A finding is "clearly erroneous" when the reviewing court "is left with the definite and firm conviction that a mistake has been committed." *Edeh v. Midland Credit Mgmt., Inc.*, 748 F. Supp. 2d 1030, 1043 (D. Minn. 2010) (internal quotation marks omitted). Having carefully reviewed the R&R and considered each of Dunker's objections, the Court identifies no clear error in the magistrate judge's reasoning or recommended resolution of Dunker's claims. Accordingly, the Court adopts the R&R in its entirety.

Based on the foregoing analysis, the R&R, and all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. Plaintiff Mark Dunker's objections to the December 4, 2019 R&R, (Dkt. 29), are **OVERRULED**.

2. The December 4, 2019 R&R, (Dkt. 28), is **ADOPTED**.

3. Defendants' motion to dismiss, (Dkt. 14), is **GRANTED**.

4. This matter is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 18, 2020

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge